

CIVIL CASE NO. 3:07cv278

Third Party Defendant.

ORDER

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the

court, ... on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant ... provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

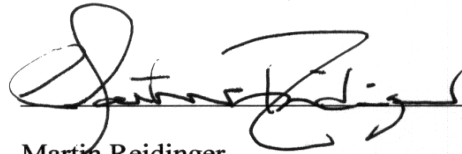
The Plaintiff is hereby placed on notice that unless good cause is shown to the Court for its failure to effect service of the summons and complaint on the Defendant and the party denominated as the Third Party Defendant within ten days from service of this Order, the Plaintiff's action against each of these Defendants shall be dismissed without prejudice without further order.

IT IS, THEREFORE, ORDERED that the Plaintiff shall show good cause within ten days of service of this Order for the failure to effect service on the above-referenced Defendants within 120 days from the filing of the complaint; and

IT IS FURTHER ORDERED that failure of the Plaintiff to respond in writing within ten days shall result in a dismissal without prejudice of this action without further order of the Court.

IT IS SO ORDERED.

Signed: November 17, 2007


Martin Reidinger
United States District Judge

